

Are You Training Your Teachers on Trauma-Informed Practices?

Education Law Notes

02.09.2016

The Compton Unified School District in California is currently defending itself in a unique federal court lawsuit brought by students who allege that by failing to properly address the symptoms of complex, personal trauma that the students claim they suffer, the school district has violated federal law. *P.P. v. Compton Unified School District*, --- F.Supp.3d ----, 2015 WL 5755964 (2015). The students named in the lawsuit live in an impoverished community where they witness acts of violence on a regular basis. They each have individual histories with significant experiences of personal trauma and loss. The lawsuit claims that the trauma that the students have been exposed to in their lives has had a physiological impact on their brain, causing them to develop an impairment that limits their ability “to learn, read, concentrate, think, communicate and generally receive an education.” The students further allege that the school district’s failure to implement **trauma-sensitive practices** violates the Americans with Disabilities Act [“ADA”] and Section 504 of the Rehabilitation Act [“Section 504”]. The students assert that as a result of this alleged discrimination (and the school district’s failure to provide “reasonable accommodations”) , they have been denied meaningful access to their education. They seek injunctive relief that includes the implementation of school-wide trauma-sensitive practices, comprehensive training for staff on trauma-informed methods and strategies, implementation of restorative practices and additional staffing for counseling.

The *Compton* case recently survived a motion to dismiss with the Court acknowledging that “exposure to traumatic events **might** cause physical or mental impairments that **could** be cognizable as disabilities under” the ADA and Section 504. It is anyone’s guess what might happen next in this case, but the Court’s conclusion that the impact of trauma *could be* the basis for a disability discrimination claim is significant, particularly in Connecticut where the language of “trauma informed practices” has been incorporated into our statutes.

In last year’s legislative session, the Connecticut General Assembly added “trauma-informed practices for the school setting” to the list of topics that school districts should include in their in-service trainings for certified staff. (Public Act 15-232) The express statutory purpose for such training is to “to enable teachers, administrators and pupil personnel to more adequately respond to students with mental, emotional or behavioral health needs.” The statute does not define what “trauma-informed practices” are in the context of schools, nor does it make such in-service training mandatory. Nevertheless, in light of the emerging caselaw, it may be prudent for Connecticut school districts to provide certified staff with in-service training on trauma-informed practices. In addition, school districts with a high concentration of students who are affected by complex trauma might want to take a page from the cautionary tale of *Compton* and supplement the in-

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service training by more fully considering the use of trauma-sensitive practices.

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